

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No: C-07-2780 SI

Case Name: OTSUKA V. POLO RALPH LAUREN

## EXHIBIT and WITNESS LIST

<b>JUDGE</b> SUSAN ILLSTON		<b>PLAINTIFF ATTORNEY:</b> P. Kitchin, N. Hudgins,			<b>DEFENSE ATTORNEY:</b> Wm. Goines, C. Hamilton	
<b>TRIAL DATE:</b>		<b>REPORTER(S):</b> L. Zinn <i>N. Roman</i>			<b>CLERK:</b> Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
		9:05			March 8, 2010 housekeeping jury seated and sworn judge present - Voir dire begins	(3.10)
		9:15-				
		9:30				
		11:20			jury on break on records.	
11:34 -					TT provided voir dire	
11:37 -					TT provided voir dire	
		11:55			8 member jury panel selected (no trial 3/15)	
		12:15			adjourns until 3/16	
					March 16, 2010	
		8:43			housekeeping / jury excused - medical	
		8:57			jury present	
					preliminary inst.	
					TT provided opening statement	
		10:00			11:00 - 15 min	
		10:36			TT provided opening statement	
		11:19			direct exam of Donovan J.	

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TRIAL DATE:		REPORTER(S): L. Zinn			CLERK: Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
25	DD	Joint		✓ ✓		
		12:00			excuse -	
		12:38			Joint. Cross exam by D	
		12:48			excused - → Nobriga, Justin Direct Exam by T	
		1:03			Cross by Def.	
		1:04			Al- Direct by T	
		1:05			Al- Cross by T	
		1:06			Direct Exam of Kimberly Ahring	
		1:18			Cross by Def.	
		1:26			Corinne Phipps Direct by T	
106						
107						
		2:00			excuse	
		2:21			Cross Exam by A	
1				✓ ✓		
17				✓ ✓		
213				✓ ✓		

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PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
14				✓		
23				✓		
208				✓	✓	
210				✓	✓	
		3:30			Any excused - adjourns for day -	
		3:35				
		8:40			March 17, 2001 (5 <sup>th</sup> )	
		8:50			Re: Direct of Rhinos	
		9:07			Michelle Philpot, direct	
		9:10			exam by IT	
		9:11			Cross by D	
		9:11			Re-Direct by IT	
		9:21			Re-Cross	
		9:21			Direct exam of Corina	
		9:23			Chavez	
		9:25			Cross by Dept.	
		9:37			Re-Direct by IT	
					Direct exam of - Mandy	
					Shane - by IT	
					Cross by Dept.	

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<b>TRIAL DATE:</b>		<b>REPORTER(S):</b> L. Zinn			<b>CLERK:</b> Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
25H				✓ ✓		
		9:44			excused	
					<del>excused</del>	
		9:46			excused	
					Direct Exam of Katherine G. <del>Att</del> can't work	
		10:11			- Cross by A	
		10:29			Re-Direct	
		10:37			Re-Cross	
		10:38			excused	
					Direct Exam of - Kim Babka	
					Dep read. by T	
		11:50			excused -	
					an Almond house sleeping	
		12:46			Cont. reading	
		12:51			1:21 Pendam → Kitch	
		12:51			Sweet	
		1:35			Cross by A	
		1:40				

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TRIAL DATE:		REPORTER(S): L. Zinn			CLERK: Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
		1:43			Direct Exam of Gary Boyd by II	
		1:52			Cross by A -	
		1:54			Re Direct -	
		2:00			To 2:15	
		2:21			Renee Davis Direct Exam by II	
		2:37			Cross by Dept.	
3			✓	✓		
205					Bat 1748	
		3:09.			Excused - Dep read. Sharonda Weatherspoon -	
		3:35			Court adjourns Housekeeping Matters Re: Witness -	
		8:45			3/18/10 (3) in session cont. Reading of Sharonda Weatherspoon Completed	
		9:09				

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<b>TRIAL DATE:</b>		<b>REPORTER(S):</b> L. Zinn			<b>CLERK:</b> Tracy Forakis
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION
		9:11			Direct Exam of <u>Dana Lopex</u> by <u>PL</u>
		9:55			Cross Ques only
		10:15			Cross -
		10:20			assume
		10:44			Cross by Def't.
21			✓	✓	
		10:54			Re-Direct by <u>PL</u> exce
		11:04			<u>Dana J. OIKKonen</u> Direct by
		11:19-			Cross by <u>Def't.</u>
		11:25			N-Direct
		11:25			Direct <u>Sara M. Raybould</u> . By <u>PL</u>
		11:49			Cross by <u>Def't.</u>
		12:00			lunch
		12:40			Direct Exam of <u>Heather</u> <u>Barker</u> - off - excused

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<b>TRIAL DATE:</b>		<b>REPORTER(S):</b> L. Zinn			<b>CLERK:</b> Tracy Forakis
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION
					BY
		1:20			<i>Carmina Barker Direct Exam by T Cross by Dept</i>
		1:36			<i>Direct Exam of - Ryan M. Gives by T Cross by Dept.</i>
		1:39			<i>Direct Exam Janice E. Keefe</i>
4			✓	✓	<i>(20 min recess @ 2)</i>
		2:57			<i>Cross by Dept</i>
2			✓	✓	
		3:19			<i>1- Direct</i>
		3:20			<i>1- Cross</i>
		3:21			<i>adjourns for day</i>
		8:51			<i>March 22, 2010</i>
					<i>house keeping</i>
					<i>Re: Survey - By expert</i>
		8:58			<i>Tiffany A Carter Direct Exam by T</i>

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<b>TRIAL DATE:</b>		<b>REPORTER(S):</b> L. Zinn			<b>CLERK:</b> Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
		9:11			Cross by D	
		9:14			Re-Direct by TT	
					Direct Exam of Alison De George	
		9:29			Cross by Dept.	
		9:33			Re-Direct. by TT	
		9:40			10:00 9:55	
		9:59			Dr. B Dwight Stewart direct by TT	
103						
104	B-				✓ ✓	
104	A				✓ ✓	
104	D				✓ ✓	
	9				✓ ✓	
104C					✓ ✓	
		11:25			Cross by Dept -	
		12:00			Access	
		12:42			Resume - housekeeping	

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<b>TRIAL DATE:</b>		<b>REPORTER(S):</b> L. Zinn			<b>CLERK:</b> Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
		12:44			A voir dire witness - Re: Survey - on record	
		12:52			Cross by Dept	
		3:30			Re-Directed by T	
		1:43			-excused-	
		1:54			House	
103				✓✓		
330				✓✓		
<del>200</del>					Mass to 2:20	
200 - recess					7	
2:32					Depo of Diana Copeland read in Lieu of live testimony ← BY T	
2:57					Depo of Beth Flynn - in Lieu of Depo Read of	
3:19					Depo of Joanne Conover in Lieu	
3:33					- Concluded - adjourn	

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<b>TRIAL DATE:</b>		<b>REPORTER(S):</b> <u>L. Zinn J. YEOMANS</u>			<b>CLERK:</b> Tracy Forakis
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION
					MARCH 29, 2010 - THUESDAY (6:45)
		8:45 AM			COURT CONVENE FOR HOUSEKEEPING MATTERS;
		8:52 AM			JURY BROUGHT IN; PLA's CALL JOHANNA BRAVO TO THE STAND & SWEORN IN; DIRECT EXAM BY N. HUGDINS
		9:02 AM			CROSS EXAM BY C. HAMILTON
		9:06 AM			BRAVO EXCUSED; PLA's CALL MARTIN GIL <sup>GIL</sup> TO THE STAND & SWEORN IN; DIRECT BY N. HUGDINS
		9:19 AM			CROSS EXAM BY C. HAMILTON
		9:21 AM			REDIRECT BY N. HUGDINS; GIL EXCUSED; PLA's CALL HARVEY RESNICK TO THE STAND & SWEORN IN; DIRECT EXAM BY P. KITCHIN
		9:58 AM			COURT IN RECESS
		10:01 AM			COURT RECONVENE w/ DIRECT
		10:49 AM			CROSS EXAM BY W. GOINES
		11:16 AM			REDIRECT BY P. KITCHIN
		11:18 AM			RESNICK IS EXCUSED; PLA's CALL MICHELE ARGUELLO TO THE STAND & SWEORN IN; DIRECT EXAM BY N. HUGDINS
		11:34 AM			CROSS EXAM BY W. GOINES
		11:38 AM			REDIRECT BY N. HUGDINS
		11:42 AM			ARGUELLO IS EXCUSED; PLA's CALL ARLENE ARGUELLO TO THE STAND & SWEORN IN; DIRECT EXAM BY N. HUGDINS
		11:55 AM			CROSS EXAM BY W. GOINES

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TRIAL DATE:		REPORTER(S): <u>L. Zinn</u> <u>J. YEOMAN'S</u>		CLERK: Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION
		11:57 AM			REDIRECT BY N. HUGGINS
		12:00 PM			COURT IN RECESS
		12:55 PM			COURT RECONVENE; IT'S CALL ELIZABETH CASAS TO THE STAND & SWEORN IN; DIRECT EXAM BY N. HUGGINS
		1:09 PM			CROSS EXAM BY C. HAMILTON
		1:11 PM			CASAS IS EXCUSED; IT'S CALL KATE MOSS TO THE STAND & SWEORN IN; DIRECT EXAM BY N. HUGGINS
		1:32 PM			CROSS EXAM BY W. GOINES
		1:43 PM			REDIRECT BY N. HUGGINS
		1:44 PM			RE CROSS BY W. GOINES
		1:48 PM			MOSS IS EXCUSED; IT'S CALL KATRINA MANUBAY TO THE STAND & SWEORN IN; DIRECT EXAM BY N. HUGGINS
		2:09 PM			CROSS EXAM BY C. HAMILTON
		2:08 PM			MANUBAY IS EXCUSED; COURT IN RECESS
		2:26 PM			COURT RECONVENE; IT'S CALL SHELLEY MOON TO THE STAND & SWEORN IN; DIRECT EXAM BY W. GOINES
		2:43 PM			CROSS EXAM BY N. GOINES
		2:48 PM			RE DIRECT BY N. HUGGINS
		2:49 PM			RE CROSS BY W. GOINES
		2:50 PM			MOON EXCUSED; DEPOSITION TESTIMONY OF <u>EVAN COHEN</u> READ INTO THE RECORD; JOINT EXH#5 ADMITTED
		3:24 PM			COURT ADJOURNED FOR THE DAY; READING OF COHEN TO BE CONTINUED

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SUSAN ILLSTON		P. Kitchin, N. Hudgins,			Wm. Goines, C. Hamilton	
TRIAL DATE:		REPORTER(S):			CLERK:	
		L. Zinn			Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
					March 24, 2010	
		8:43			Housekeeping	
		8:50			Direct exam. B Wright, Ashley M	
		9:04			Cross by D	
		9:07			Re-direct	
		9:08			Direct by C Kristi A. Mogel	
16					TT	
13				✓		
15				✓		
102				✓		
100				✓		
101				✓		
		10:02			All day	
		10:32			Same	
B				✓		
15				✓		
16				✓		
		10:33			Cross by D	
		10:51			Witness interrupted	
		10:53			Direct exam. Amie	
		11:05			FILSOOF by TT	
		11:11			Cross by D	
					Excused	
					Page _____	

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TRIAL DATE:	REPORTER(S): L. Zinn	CLERK: Tracy Forakis
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PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
		11:11			Direct Exam of Ryan P Mull	
		11:24			Direct Exam of Sarah Mengel by T	
		11:36			Cross by D	
		11:37			Re-Direct by T	
		11:38			Direct Exam of Avidéha Zamirica Recess	
		11:55				
		12:40			Depo read of Evan Cohen - (Cont)	
		8				
		215		✓		
		5		✓		
		6		✓		
		8		✓		
		10		✓		
		215		✓		
					Depo Concluded -	
		1:26 PM			Baratrice Nonet - Hori	
					Direct Exam by T	
					Cross by D	
					Re-Direct by T	

?

2:03 -

Page  
Gross by D

Re-Direct By T

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TRIAL DATE:		REPORTER(S): L. Zinn			CLERK: Tracy Forakis	
PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
		2:10			5 min recess	
		2:19			Kristie Mogel - Cont X by <u>A</u>	
		2:43			U-Direct	
		2:53			U-Cross	
		3:00			adjourn	
		8:49			March 25, 2010 T - parties partially abs Direct exam of Andrea Rocco by Dept	
		9:05			Cross by T	
		9:17			U-Direct by <u>A</u>	
		9:19			Direct exam of Andrea Williams by <u>A</u> -	
		9:48			Cross by T	
		10:25			U-Direct	
		10:27			U-Cross -	
		10:35			recess to 10:55	
		10:56			Direct exam of Tomiko <del>Hatto</del> Lawless - by Dept	
		11:10			Cross by T	
		11:16			U-Direct	
		11:17			Direct exam of Bridget Million	

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PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
		11:27			Cross by TT	
		11:32			Re-Direct	
		11:33			Excluded	
		12:00			Steve Bembo Direct Exam by Dept. Necess	
		12:44			Josephine Sahyoun Direct by - Dept.	
		12:55			Cross by T	
		12:59			Excluded	
		1:49			Direct Exam of Cath Latry post. by A	
		1:55			Catherine Post	
		2:00			Cross by D PHT.	
100			✓	✓	Re-Direct by A	
22		2:19			Kristie Mogel Direct by A	
21			✓	✓		
20			✓			

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John P. Belzer, M.D.  
Frederic W. Bost, M.D.  
Peter W. Callander, M.D.  
Christopher V. Cox, M.D.  
Jon A. Dickinson, M.D.  
Keith C. Donatto, M.D.  
Robert J. Gilbert, M.D.  
William L. Green, M.D.  
Rowan V. Paul, M.D.  
Adrian J. Rawlinson, M.D.  
Taylor K. Smith, M.D.

3838 California St., Suite #715  
San Francisco, CA 94118  
(415) 668-8010  
FAX: (415) 752-2860

2100 Webster St., Suite 109  
San Francisco, CA 94115  
(415) 923-3920  
FAX (415) 923-3921

1240 South Eliseo, Suite 101  
Greenbrae, CA 94904  
(415) 461-1600  
FAX: (415) 461-1840

**PATIENT: CONAN MCHUGH**

**DOS: Mar 15 2010**

**DOB: Apr 29, 1976**

**Orders**

JURY DUTY EXEMPTION FORM

Date: 03/15/2010

RE: CONAN MCHUGH

DOB: [REDACTED]

SAN FRANCISCO, CA 94114

To Whom It May Concern:

Please excuse CONAN MCHUGH from jury duty, as he/she has an Medical Problem Mr. Mc Hugh has injury his rt elbow and has upcoming surgery, and will be unable to serve at this time. If you have any questions, don't hesitate to contact our office.

Electronically signed by : WILLIAM GREEN M.D.

W. Green  
3/16/10